

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 29 By Senator Riser

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

TELECOMMUNICATIONS. Enacts the Louisiana Anti-Caller ID Spoofing Act. (8/15/09)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Clarifies the definition of "false information" to mean data that misrepresents the identity of the caller using a telephone number that is currently assigned to another user, whether a business or an individual.
2. Qualifies the limitation on the exemption for federal intelligence and security agencies by removing language that they done pursuant to an active criminal investigation.
3. Clarifies that the exemption for duly authorized process served is when used in connection with a civil, criminal, administrative, or arbitral proceeding, including the service of process, investigation in anticipation of litigation, the execution or enforcement of judgments or in compliance with court orders and removes requirement that it be limited to instances in which a court determines a person is purposely avoiding service.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

Riser

SB No. 29

Enacts the "Anti-Caller ID Spoofing Act," which is intended to protect Louisiana citizens from caller ID scams which have led to financial loss, the loss of personal information, harassment, and to potentially threatening telephone calls.

Proposed law provides for findings and definitions. Defines unlawful acts that constitute "caller ID spoofing." Defines "false information" to mean data that misrepresents the identity of the caller using a telephone number currently assigned to another user, whether an individual or business except when making an authorized call on behalf of another inserts the name, number, or name and number of the person on whose behalf the call is being made.

Proposed law makes it unlawful for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud, or deceive the recipient of the call.

Proposed law exempts any blocking of caller identification information, any municipal, parish, state, or federal law enforcement agency pursuant to an active criminal investigation, any federal investigative or security agency, any private investigator licensed by the state or any duly authorized process server that is used in connection with a civil, criminal, administrative, or arbitral proceeding, including the service of process, investigation in anticipation of litigation, the execution or enforcement of judgments, or compliance with the orders of any court.

Proposed law provides for private civil actions against the violator of proposed law seeking injunctive relief and money damages; provides for the attorney general or a district attorney to seek civil money penalties against violators and specifically states that criminal sanctions are not precluded for violations of proposed law.

Effective August 15, 2009.

(Adds R.S. 51:1741.1-1741.5)

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